

11-17-08

AP/IFH



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Ralph S. Norman
Serial No.: 10/801,626
Filed: 03/15/2004
For: Improved Fluidic Dampening Device
Confirmation No.: 2931
Group Art Unit: 3683
Examiner: Melody M. Burch
Customer No.: 31198
Attorney Docket No.: PNORMI

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

EXPRESS MAIL CERTIFICATE

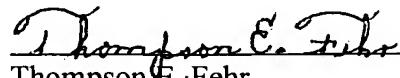
Express Mail Label No. EQ984100835US

Date of Deposit: November 5, 2008

I hereby certify that the following attached

Transmittal of Appellant's Reply Brief

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Thompson E. Fehr



Express Mail Label No. EQ984100835US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

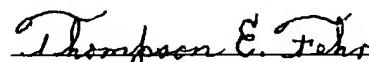
In re application of: Ralph S. Norman
Serial No.: 10/801,626
Filed: 03/15/2004
For: Improved Fluidic Dampening Device
Confirmation No.: 2931
Group Art Unit: 3683
Examiner: Melody M. Burch
Customer No.: 31198
Attorney Docket No.: PNORMI

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF APPELLANT'S REPLY BRIEF (37 CFR 41.41)

Transmitted herewith is Appellant's Reply Brief in response to the Examiner's Answer, the original of which was mailed on September 5, 2008, and an amended version of which was mailed on September 22, 2008.

DATED this 5th day of November, 2008.



Thompson E. Fehr
Attorney for Appellant
Registration No. 31,353

Suite 300
Goldenwest Corporate Center
5025 Adams Avenue
Ogden, Utah 84403



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Ralph S. Norman
Serial No.: 10/801,626
Filed: 03/15/2004
For: Improved Fluidic Dampening Device
Confirmation No.: 2931
Group Art Unit: 3683
Examiner: Melody M. Burch
Customer No.: 31198
Attorney Docket No.: PNORMI

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

EXPRESS MAIL CERTIFICATE

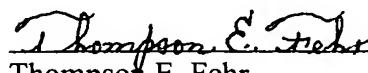
Express Mail Label No. EQ984100835US

Date of Deposit: November 5, 2008

I hereby certify that the following attached

Appellant's Reply Brief

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Thompson E. Fehr



Express Mail Label No. EQ984100835US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Ralph S. Norman
Serial No.: 10/801,626
Filed: 03/15/2004
For: Improved Fluidic Dampening Device
Confirmation No.: 2931
Group Art Unit: 3683
Examiner: Melody M. Burch
Customer No.: 31198
Attorney Docket No.: PNORMI

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPELLANT'S REPLY BRIEF (37 CFR 41.41)

STATUS OF CLAIMS

Claim 1 through 4 have been canceled.

Claims 5 through 8 have been rejected.

Claims 5 through 8 are being appealed.

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The Examiner has rejected claims 5 and 6 under 35 U.S.C. § 102(b) as being anticipated by Morgan et al. (United States patent no. 6,802,519).

Claims 7 and 8 have been rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over Morgan in view of Hopey (United States patent no. 6,145,637).

And claims 5 through 8 have been rejected by the Examiner under 35 U.S.C. §103(a) as being unpatentable over Gustafsson (United States patent no. 4,773,514) in view of Morgan et al.

ARGUMENT

Claims 5 and 6 under 35 U.S.C. § 102

Appellant hereby incorporates by reference the argument under this heading in Appellant's Revised Amended Brief, which was filed on April 8, 2008.

Appellant, furthermore, respectfully observes that the Examiner, in responding to this particular argument has completely failed to consider the doctrine of claim differentiation.

Claims 7 and 8 under 35 U.S.C. § 103 over Morgan et al. in View of Hopey

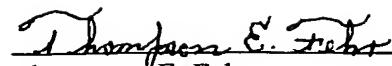
Appellant hereby incorporates by reference the argument under this heading in Appellant's Revised Amended Brief, which was filed on April 8, 2008.

Claims 7 and 8 have the same relationship to one another as do claims 5 and 6 to each other. Consequently, under the doctrine of claim differentiation, the first clamp and the second clamp could not be connected to the housing through the triple clamp.

Additionally, Appellant respectfully notes that, on page 6 of the Examiner's Answer, the Examiner has stated, "Nothing in the claim language precludes the clamps from being attached to the housing indirectly by way of the triple clamp."

Again, Appellant must respectfully indicate that the Examiner, in responding to this particular argument has completely failed to consider the doctrine of claim differentiation.

DATED this 5th day of November, 2008.



Thompson E. Fehr
Attorney for Appellant

Registration No. 31,353

Suite 300
Goldenwest Corporate Center
5025 Adams Avenue
Ogden, Utah 84403

Telephone No.: (801) 393-6292